FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

Second Appeal No. 435/2005
(Ramchandra Natthuji Waghode & another **VERSUS** Sau. Saritabai Jagatsingh Balode **)**

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders	Court's or Judge's orders

Mr. Paliwal, counsel for the appellant.

CORAM : Smt. Vasanti A. Naik, J.
DATE : 28th September, 2007.

Heard the learned counsel for the appellant.

The appellants are the original defendants. A suit was filed by the plaintiff for possession of 0.20 R of land which was encroached by the defendant. The plaintiff pleaded that the defendant had encroached upon 0.20 R of land belonging to the plaintiff and the map drawn by the D.I.L.R. in the presence of the defendant clearly showed that the defendants had encroached on the land of the plaintiff, and therefore, the defendants were liable to handover the possession of the suit property to the plaintiff.

The defendants denied the claim of the plaintiff and pleaded that the defendants were in possession of the land owned by them and the suit of the plaintiff was liable to be dismissed.

The trial and the first appellate Court appreciated the evidence tendered by the parties on record to hold that the plaintiff had proved that the defendant had encroached upon 0.20 R of land belonging to the plaintiff. The Courts concurrently

held that the plaintiff had succeeded in proving the map drawn by D.I.L.R. by examining the surveyor. Consequently, the suit of the plaintiff was decreed.

The findings recorded by both the Courts are pure findings of fact which do not give rise to any substantial question of law. The second appeal is dismissed with no order as to costs.

JUDGE

APTE